

SCHIFF HARDIN LLP  
Eliot S. Jubelirer, CSB #61654  
ejubelirer@schiffhardin.com  
Rocky N. Unruh, CSB #84049  
runruh@schiffhardin.com  
One Market  
Spear Street Tower, Suite 3200  
San Francisco, CA 94105  
Telephone: 415-901-8700  
Facsimile: 415-901-8701

BRADLEY ARANT BOULT CUMMINGS LLP  
E. Mabry Rogers (*pro hac vice* application to be  
submitted)  
mrogers@babbc.com  
D. Bryan Thomas (*pro hac vice* application to be  
submitted)  
dbthomas@babbc.com  
One Federal Place  
1819 Fifth Ave.  
North Birmingham, AL 35203  
Telephone: 205-521-8000  
Facsimile: 205-521-8800

Attorneys for Use Plaintiff  
SHARED SYSTEMS TECHNOLOGY, INC.  
(PULLMAN)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA for the  
use and benefit of SHARED SYSTEMS  
TECHNOLOGY, INC. (PULLMAN), a  
corporation,

Plaintiff,

v.

AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC., a  
corporation; and ZURICH AMERICAN  
INSURANCE COMPANY, a  
corporation,

Defendants.

Case No. 3:14-CV-02871-RS

**STIPULATION AND ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE AND EXTENDING TIME  
TO RESPOND TO COMPLAINT**

Complaint Filed: June 20, 2014  
Current CMC Date: October 2, 2014

Plaintiff, Shared Systems Technology, Inc. (Pullman) ("SST"), and defendant  
AMEC Environment & Infrastructure, Inc. ("AMEC") (collectively, the "Parties"), by and

1 through their undersigned counsel, hereby stipulate to (1) a 60-day continuance of the  
 2 Case Management Conference (“CMC”) (and all dates associated therewith), currently set  
 3 for December 11, 2014, and (2) an extension of Defendants’ time to respond to the  
 4 Complaint from November 21, 2014, to and including January 20, 2015.<sup>1</sup> The Parties’  
 5 stipulation is based on the following facts:

6 1. SST filed a Complaint to Recover on Payment Bond (Miller Act)  
 7 (“Complaint”) on June 20, 2014. The case was initially assigned to Magistrate Elizabeth  
 8 LaPorte.

9 2. The action arises out of a federal construction project to stabilize and repair  
 10 exterior walls of the cellhouse on Alcatraz Island. SST was a sub-subcontractor on the  
 11 project; AMEC was the general contractor; and Zurich issued the Miller Act payment  
 12 bond. SST’s contract on the project was with Spectrum Services Group (“Spectrum”).  
 13 Spectrum is not a party to this case but has brought its own separate action against  
 14 AMEC.

15 3. SST commenced this action in June to stop the running of the statute of  
 16 limitations. However, at the time the action was commenced, the parties planned to  
 17 participate in a multi-party mediation session before mediator, Randall Wulff of Wulff  
 18 Quinby Sochynsky. After the mediation session before Mr. Wulff, the Parties negotiated  
 19 basic terms for a settlement that, when finalized, will result in a dismissal of this action.

20 4. The settlement negotiated by the Parties is taking additional time to finalize  
 21 and document because it involves a complex liquidation, sharing and pass-through  
 22 agreement. The settlement is complex because it involves the Contract Disputes Act, the  
 23 application of relevant FAR provisions, ongoing litigation between AMEC and Spectrum,  
 24 and this pending case under the Miller Act. Because the settlement entails a pass-through  
 25

26 \_\_\_\_\_  
 27 <sup>1</sup> Defendant, Zurich American Insurance Company (“Zurich”), has been served with the  
 28 Complaint but has not yet entered an appearance given the ongoing settlement  
 negotiations, in an effort to minimize attorneys’ fees. SST has agreed to extend both  
 Defendants’ time to respond to the Complaint.

1 agreement, the final resolution of SST's claims in this case is dependent on the resolution  
2 of Spectrum's claims against AMEC as well.

3 5. The Parties and Spectrum continue to negotiate and exchange support for  
4 their claims under the Contract Disputes Act. Currently, SST has submitted all requested  
5 supporting documentation for its claims, and the Parties are awaiting final support for one  
6 of the claims asserted by Spectrum. The Parties hope to be able to agree on all of the  
7 detailed terms and finalize a settlement agreement within the next 30 days.

8 6. All defendants in this case have been served with the Complaint, and there  
9 have been three prior stipulations extending their time to respond. Defendants' response  
10 is now due on November 21, 2014.

11 7. On July 29, 2014, SST filed a declination of assignment to Magistrate  
12 LaPorte, and the case was thereafter assigned to this Court.

13 8. On July 31, 2014, the Clerk issued a notice setting the initial CMC in this  
14 Court for October 2, 2014.

15 9. On September 8, 2014, this Court entered an Order extending Defendants'  
16 time to respond to November 21, 2014 and continuing the Case Management Conference  
17 until December 11, 2014.

18 10. The Parties wish to avoid the time and expense of responding to the  
19 Complaint, making initial Rule 26 disclosures, engaging in a Rule 26(f) conference, and  
20 preparing for and attending the CMC, while they finalize and document the settlement  
21 they have negotiated. This settlement, when finalized and documented, will result in a  
22 dismissal of this case.

23 11. The Parties, therefore, respectfully request that: (1) Defendants' time to  
24 respond to the Complaint be extended to and including January 20, 2015; (2) the CMC be  
25 continued for 60 days, until early February, 2015 on a date convenient to the Court; and (3)  
26 the dates for filing the Rule 26(f) report, completing initial disclosures, and filing the Joint  
27 CMC statement be continued until one week before the new CMC date.

28

1 Dated: November 18, 2014

Respectfully submitted,

2 SCHIFF HARDIN LLP

3 By: /s/ Rocky N. Unruh

4 Rocky N. Unruh (SBN 84049)  
runruh@schiffhardin.com  
5 One Market, Spear Street Tower, Suite 3200  
San Francisco, CA 94105  
6 Telephone: 415-901-8700  
Facsimile: 415-901-8701

7 BRADLEY ARANT BOULT CUMMINGS LLP

8 E. Mabry Rogers (*pro hac vice* application to be  
submitted)

9 mrogers@babco.com

10 D. Bryan Thomas (*pro hac vice* application to  
be submitted)

11 dbthomas@babco.com

12 One Federal Place

1819 Fifth Ave.

13 North Birmingham, AL 35203

14 Telephone: 205-521-8000

15 Facsimile: 205-521-8800

16 Attorneys for Plaintiff

17 SHARED SYSTEMS TECHNOLOGY, INC.  
(PULLMAN)

18 Dated: November 18, 2014

KILPATRICK TOWNSEND & STOCKTON LLP

19 By: /s/ Holly Gaudreau

20 Holly Gaudreau (SBN 209114)  
hgaudreau@kilpatricktownsend.com  
21 Eighth Floor, Two Embarcadero Center  
San Francisco, CA 94111  
22 Telephone: 415-576-0200  
Facsimile: 415-576-0300

23 Chad V. Theriot (*pro hac vice* application to be  
submitted)

24 ctheriot@kilpatricktownsend.com

25 Elizabeth H. Crabtree (*pro hac vice* application  
to be submitted)

26 lcrabtree@kilpatricktownsend.com

11000 Peachtree Street NE, Suite 2800

27 Atlanta, GA 30309-4528

28 Telephone: 404-815-6500

Facsimile: 404-815-6555

Attorneys for Defendants

AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC.

**ORDER**

Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY ORDERED that:

1. Defendants' time to respond to the Complaint shall be extended to and including January 20, 2015;
2. The Case Management Conference shall be continued from December 11, 2014, until **February 12, 2015 at 10:00 a.m.**; and
3. All other deadlines associated with the Case Management Conference, including the filing of the Rule 26(f) report, completing initial disclosures, and filing the Joint Case Management Conference statement, shall be continued until one week before the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial Case Management and the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statements.

Dated: November 18, 2014

  
Richard Seeborg  
United States District Judge

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